

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ORDER VACATING ORDER OF DISMISSAL OF JAMES J. CARROLL III

O'TOOLE, D.J.

On November 29, 2005 this Court issued a Further Memorandum and Order (#6) which Ordered the dismissal of Co-Plaintiff James J. Carroll III from this action, for failure to pay his proportionate share of the filing fee (\$125.00), as previously mandated in the Memorandum and Order (#5) dated September 23, 2005.

Subsequently, however, James J. Carroll III contacted the Clerk's Office to advise that he had, in fact, paid the \$125.00 filing fee, as directed. A check with the Accounting Office of the Clerk's Office reveals that James J. Carroll III did make a payment in compliance with the September 23, 2005 Memorandum and Order, although no receipt had been generated for docketing the fact of payment on the Court's CM/ECF electronic filing system.

Accordingly, in light of the timely payment by James J. Carroll III of the \$125.00 filing fee, it is hereby ORDERED that the Further Memorandum and Order for dismissal of James J. Carroll III is VACATED. It is FURTHER ORDERED that James J. Carroll III is re-instated as a Co-Plaintiff in this action. The clerk is directed to correct the docket to reflect that James J.

Carroll III is a party to this action.

No summonses shall issue in this action pending preliminary screening pursuant to 28 U.S.C. § 1915.

DATED: December 19, 2005

/s/ George A. O'Toole, Jr.  
GEORGE A. O'TOOLE, JR.  
UNITED STATES DISTRICT JUDGE